

REMARKS

Claims 1-22 are pending. Claims 9-22 are allowed. Claim 1 has been amended. No new matter has been presented.

Applicants initially thank the Examiner for allowing claims 9-22.

Claims 1-8 stand rejected under 35 USC 102(b) as being anticipated by Andrea Oster, "Gain spectra measurement of strained and strain-compensated InGaAsP-AlGaAs laser structure for $\lambda=800$ nm". This rejection is respectfully traversed.

Claim 1, as amended, recites barrier layers formed of InGaAsP. Oster does not teach or suggest InGaAsP barrier layers. Thus, claim 1 is allowable. Claims 2-8 depend from claim 1 and are similarly allowable.

In view of the above, each of the claims in this application is in condition for allowance.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **204552028900**.

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Respectfully submitted,

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